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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 JOHN RAYMOND SINCLAIR,) CASE NO. C05-2130-MJP-MAT
09) CR99-466-MJP
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Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent.

14 Petitioner has filed a Motion under 28 U.S.C. § 2255. The Court, having reviewed
15 petitioner's motion does hereby ORDER as follows:

16 (1) The Clerk shall arrange for service by first class mail upon the United States
17 Attorney of copies of the Motion and of this Order, and shall direct a copy of this Order and of
18 the General Order to petitioner.

19 (2) Within **thirty (30) days** after such service, the United States shall file and serve
20 an Answer in accordance with Rule 5 of the Rules Governing Section 2255 Cases in United States
21 District Courts. As part of such Answer, the United States should state its position as to whether
22 an evidentiary hearing is necessary. The United States shall file the Answer with the Clerk of the

ORDER FOR SERVICE AND RETURN,
§ 2255 MOTION
PAGE -1

01 Court and serve a copy of the Answer upon petitioner.

02 (3) The Answer will be treated in accordance with Local Rule CR 7. **Accordingly,**
03 **on the face of the Answer, the United States shall note it for consideration on the fourth**
04 **Friday after it is filed, and the Clerk shall note the Answer accordingly.** Petitioner may file
05 and serve a response not later than the Monday immediately preceding the Friday appointed for
06 consideration of the matter, and the United States may file and serve a reply brief not later than
07 the Friday designated for consideration of the matter. See also CR 4, concerning filing and service
08 in general.

09 (4) Filing and Service by Parties, Generally

10 All attorneys admitted to practice before this Court are required to file documents
11 electronically via the Court's CM/ECF system. Counsel are directed to the Court's website,
12 www.wawd.uscourts.gov, for a detailed description of the requirements for filing via CM/ECF.
13 All non-attorneys, such as *pro se* parties and/or prisoners, may continue to file a paper original of
14 any document for the Court's consideration. A party filing a paper original does not need to file
15 a chambers copy. All filings, whether filed electronically or in traditional paper format, must
16 indicate in the upper right hand corner the name of the Magistrate Judge to whom the document
17 is directed.

18 **For any party filing electronically, when the total of all pages of a filing exceeds fifty**
19 **(50) pages in length, a paper copy of the document (with tabs or other organizing aids as**
20 **necessary) shall be delivered to the Clerk's Office for chambers. The chambers copy must**
21 **be clearly marked with the words "Courtesy Copy of Electronic Filing for Chambers."**

22 Additionally, any document filed with the Court must be accompanied by proof that it has

01 been served upon all parties that have entered a notice of appearance in the underlying matter.

02 (5) Motions

03 Regarding the filing of motions before the Court, the parties are directed to review Local
04 Rule CR 7 in its entirety. A few important points are highlighted below:

05 Any request for court action shall be set forth in a motion, properly filed and served.
06 Pursuant to amended Local Rule CR 7(b), any argument being offered in support of a motion shall
07 be submitted as a part of the motion itself and not in a separate document. **The motion shall**
08 **include in its caption (immediately below the title of the motion) a designation of the date**
09 **the motion is to be noted for consideration upon the court's motion calendar.**

10 In all instances where one of the parties to a lawsuit is incarcerated, all categories of non-
11 dispositive motions not listed in Local Rule CR 7(d)(1) must be noted for the third (3rd) Friday
12 after the date of filing and service. See Local Rule CR 7(d)2.

13 (6) Direct Communications with District Judge or Magistrate Judge

14 No direct communication is to take place with the District Judge or Magistrate Judge with
15 regard to this case. All relevant information and papers are to be directed to the Clerk.

16 (7) The Clerk is directed to send a copy of this Order to the Hon. Marsha J. Pechman.

17 DATED this 5th day of January, 2006.

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19 Mary Alice Theiler
20 United States Magistrate Judge
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